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Crime prevention and criminal justice

Letter dated 3 October 2003 from the Permanent Representative of Mexico to the United Nations addressed to the President of the General Assembly

In its resolution 55/61, of 4 December 2000, the General Assembly recognized that it would be desirable to have an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime, and decided to establish in Vienna an ad hoc committee for the negotiation of such an international instrument.

The Intergovernmental Open-Ended Expert Group charged with preparing the draft terms of reference for the negotiation met in Vienna from 30 July to 3 August 2001 and recommended to the Assembly, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, that the Assembly should adopt a draft resolution setting out the terms of reference for the negotiation of this international legal instrument. The terms of reference were set out in General Assembly resolution 56/260, of 31 January 2002.

In that resolution, the General Assembly decided that the Ad Hoc Committee for the Negotiation of a Convention against Corruption should negotiate a broad and effective convention which, subject to the final determination of its title, should be referred to as the "United Nations Convention against Corruption".

The Assembly also requested the Ad Hoc Committee, in developing the draft convention, to adopt a comprehensive and multidisciplinary approach and to consider, inter alia, the following indicative elements: definitions; scope; protection of sovereignty; preventive measures; criminalization; sanctions and remedies; confiscation and seizure; jurisdiction; liability of legal persons; protection of witnesses and victims; promoting and strengthening international cooperation; preventing and combating the transfer of funds of illicit origin derived from acts of corruption, including the laundering of funds, and returning such funds; technical assistance; collection, exchange and analysis of information; and mechanisms for monitoring implementation.

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In resolution 57/169, entitled "High-level political conference for the purpose of signing the United Nations convention against corruption", which was adopted on 18 December 2002, the General Assembly accepted with appreciation the offer made by the Government of Mexico to host a high-level political conference for the purpose of signing the Convention and requested the Secretary-General to schedule the event by the end of 2003.

With the conclusion of the negotiations for this international instrument during the seventh session of the Ad Hoc Committee, held in Vienna from 29 September to 1 October 2003, my delegation has the honour to request that item 108 of the agenda of the fifty-eighth session of the General Assembly, entitled "Crime prevention and criminal justice", should also be considered by the plenary Assembly for the sole purpose of ensuring that the draft "United Nations Convention against Corruption" can be adopted in a timely manner and transmitted for signing to the high-level political conference, which will be held in the city of Mérida, Yucatán, from 9 to 11 December 2003.

(*Signed*) Adolfo Aguilar **Zinser**
Permanent Representative of Mexico to the United Nations